

APS New Provider Appeals Process

The Department of Family and Protective Services (DFPS) Adult Protective Services (APS) Provider Investigations program will implement new appeals procedures effective September 1, 2016. The process has been consolidated into one process for all qualified parties, called a request for an appeal of the findings. The appeal process now has two levels. The first level of an appeal of DFPS' findings is conducted by the Director of Provider Investigations or their designee, or a reviewer designated by the Assistant Commissioner of APS. If the MCO disagrees with the decision of the first appeal, the MCO may further appeal; this second appeal is conducted by a reviewer designated by the Assistant Commissioner of APS. The determination resulting from the second level appeal is final and cannot be appealed by any qualified party, except Disability Rights Texas. To request an appeal of the findings, the administrator of the MCO must complete and submit Form 2324, "First Level Appeal of a Provider Investigation Finding" or Form 2349, "Second Level Appeal of a Provider Investigation", as appropriate to the level of appeal, either via email to:

APS_Provider_Appeals@dfps.state.tx.us

or via postal mail to:

APS Provider Appeals
Adult Protective Services Division
Department of Family and Protective Services
P.O. Box 149030, E-561
Austin, Texas, 78714-9030

In addition to sending the completed appeal request form, the administrator must also send the Provider Abuse and Neglect Report, as well as any applicable additional external evidence. MCOs must request an appeal of the findings no later than the 30th calendar day following the date the investigative report was signed and dated by the investigator. To challenge the decision from the first level appeal, the MCO has 30 calendar days following the date the appeal decision letter is signed.